

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

*IN RE PORK ANTITRUST LITIGATION*

No. 0:18-cv-01776-JRT-HB

This Document Relates To:

Commercial and Institutional Indirect  
Purchaser Plaintiff Actions

*Sandee's Bakery, et al. v. Agri Stats, Inc. et al.*

No. 0:18-cv-01891-JRT-HB

---

**Declaration of Shawn M. Raiter in Support of Unopposed Co-Lead Counsel  
Application to Appoint Jonathan W. Cuneo and Shawn M. Raiter  
as Interim Co-Lead Counsel for Commercial and  
Institutional Indirect Purchaser Plaintiffs**

---

I, Shawn M. Raiter, declare:

1. I am a partner in Larson • King, LLP, a law firm located in Saint Paul, Minnesota. Our firm currently has 33 attorneys and devotes much of its practice to the representation of clients involved complex and class action litigation.

2. I am a 1993 *magna cum laude* graduate of the William Mitchell College of Law. I have practiced exclusively in civil litigation and am admitted to the state bars of Minnesota, Wisconsin, Iowa, and North Dakota. I have tried cases to jury and bench verdicts in state, federal and administrative courts. I have argued more than a dozen times in various state and federal appellate courts, including the Eighth Circuit Court of Appeals and other federal appellate courts.

3. I have been selected for recognition in class action and complex litigation in various publications including:

- *The Best Lawyers in America* (plaintiffs' and defendants' mass tort and class action litigation) (2010 to 2019)
- Minnesota "Super Lawyer" (class action / mass tort litigation) (2004 to 2018)
- *The National Trial Lawyers Top 100* (top 100 lawyers representing civil plaintiffs in Minnesota)

I am one of a small number of lawyers in the country who are recognized in *The Best Lawyers in America* for representing both plaintiffs and defendants in mass tort and class action litigation. I was selected to be a Fellow of the Litigation Counsel of America (LCA). The LCA is a selective, invitation-only trial lawyer honorary society, whose membership is composed of less than one-half of one percent of American lawyers.

4. I have been appointed by federal court judges to serve as lead or co-lead counsel and other leadership positions in a number of MDL litigations including:

- *In re Automotive Wire Harness Systems Antitrust Litig.*, MDL No. 2311 (E.D. Mich.) (Co-Lead Counsel) (more than 45 different cases with more than 160 defendants)
- *In re Vehicle Carrier Servs. Antitrust Litig.*, MDL No. 2471 (D. N.J.) (Co-Lead Counsel)
- *In re Zurn Pex Plumbing Prod. Liab. Litig.*, MDL No. 1958 (ADM/AJB) (D. Minn.) (Lead Counsel)
- *In re Uponor, Inc. F1807 Plumbing Prods. Liab. Litig.* MDL No. 2247 (ADM/JJK) (D. Minn.) (Lead Counsel)
- *In re Building Materials Corp. of Am. Asphalt Roofing Shingle Prods. Liab. Litig.*, MDL No. 2283 (D. S.C.) (Co-Lead Counsel)
- *In re Stryker Rejuvenate and ABG II Hip Implants Prods. Liab. Litig.*, MDL 2441 (D. Minn.) (Plaintiffs' Steering Committee)

- *In re National Hockey League Players' Concussion Injury Litig.*, MDL 2551 (D. Minn.) (Plaintiff's Executive Committee)
- *In re Atlas Roofing Corp. Chalet Shingles Prods. Liab. Litig.*, MDL No. 2495 (N.D. Ga.) (Plaintiffs' Steering Committee)
- *Los Gatos Mercantile, Inc., et al., v. E.I. Dupont De Nemours and Company, et al.*, N.D. Cal., No. 3:13-cv-01180-WHO (antitrust price fixing and bid rigging by titanium dioxide manufacturers) (Retailer Indirect Purchaser Steering Committee)
- *In re Kitec Plumbing Sys. Prods. Liab. Litig.*, MDL No. 2098 (N.D. Tex.) (Plaintiffs' Executive Committee)
- *In Re: Baycol Prods. Liab. Litig.*, MDL No. 1431 (D. Minn.) (lead firm attorney as Plaintiffs' Liaison Counsel)

5. I have also been appointed to leadership positions in coordinated, non-multi-district litigations in this district and elsewhere, including:

- *George et al. v. Uponor, Inc.*, Case No. 12-249 (ADM/JJK) (D. Minn.) (Plaintiffs' Liaison Counsel and Executive Committee of coordinated federal cases)
- *Gentek Building Prods., Inc.*, Case No. 1:10cv 2093 (N.D. Ohio) (Plaintiffs' Executive Committee of coordinated federal cases)

6. I have served as lead or co-lead counsel on behalf of the plaintiffs in numerous putative and certified class actions, including this non-exhaustive list of cases:

- *Johnson et al. v. Gentek Building Products, Inc.*, No. Civ. 12-cv-376 (D. Minn.)
- *George et al. v. Uponor, Inc.* No. Civ. 12-cv-00249 (D. Minn.)
- *Livermont et al. v. Uponor, Inc.*, No. Civ. 11-cv-845 (D. Minn.)
- *Haner v. Building Materials Corp. of Am.*, No. Civ. 11-cv-1443 (D. Minn.)
- *Kennedy v. E. I. Du Pont Nemours and Co., et al.*, No. Civ. 11-cv-2251 (D. Minn.)
- *Cox et al. v. Zurn Pex, Inc.*, 267 F.R.D. 549 (D. Minn. 2010)

- *Fielstra v. Uponor, Inc.*, Civ. 11-575 (C.D. Cal.)
- *McGregor, et al. v. Uponor, Inc.*, No. Civ. 09-cv-01136 (D. Minn.)
- *Frank, et al. v. Gold'n Plump*, No. Civ. 04-cv-1018 (D. Minn.)
- *Carpenters and Joiners Welfare Fund, et al. v. GlaxoSmithKline*, No. Civ. 04-cv-3500 (D. Minn.)
- *Robinson, et al. v. Novellus Systems, Inc.*, No. Civ. C03-03603 (N.D. Cal.)
- *Russo, et al. v. College Board*, No. Civ. 06-cv-1481 (D. Minn.)
- *Kramer, et al. v. NCS Pearson, Inc.*, No. Civ. 03-cv-1166 (D. Minn.)
- *Daud, et al. v. Gold'n Plump*, No. Civ. 06-cv-4013 (D. Minn.)
- *Russell, et al. v. Wells Fargo*, No. Civ. C-07-0993 (N.D. Cal.)
- *Maboney, et al. v. Fidelity Nat. Title Co.*, No. Civ. SACV 08-0561 (C.D. Cal.)
- *Grabman, et al. v. BrakeBush Brothers, Inc.*, No. Civ. 07-cv-1031 (E.D. Wis.)
- *Phelps, et al. v. Green Bay Dressed Beef*, No. Civ. 08-cv-0037 (E.D. Wis.)
- *Helmert, et al. v. Butterball, LLC*, No. Civ. 4:08-cv-0342 (E.D. Ark.)
- *DeKeyser, et al. v. ThyssenKrupp Waupaca, Inc.*, No. Civ. 08-cv-00488 (E.D. Wis.)
- *Sushoreba, et al. v. Easy Heat*, No. Civ. C5-02-300117 (St. Louis Co., MN)
- *Schermer, et al. v. State Farm*, No. Civ. 02-20839 (Henn. Co., MN)
- *VanderLaan, et al. v. Lutheran Brotherhood*, No. Civ. 03-9722 (Henn. Co., MN)
- *Kurvers, et al. v. Nat'l Computer Systems, Inc.*, No. Civ. 00-11010 (Henn. Co., MN)

7. My MDL and class action experience includes conducting and defending dozens of lay and expert witness depositions, briefing and arguing dozens of motions,

arguing class certifications, leading status and other court conferences, and negotiating global settlements.

8. In 2012, Judge Marianne Battani of the Eastern District of Michigan appointed me, Jonathan Cuneo, and Don Barrett interim co-lead counsel for indirect purchaser automobile dealerships in MDL 2311: *In re Automotive Parts Antitrust Litigation*, 2:12-md-02311 (E.D. Mich.) We were appointed to represent putative classes of thousands of automobile dealerships bringing dozens of actions stemming from the largest antitrust investigation in the history of the Department of Justice's Antitrust Division.

9. *Automotive Parts* involves more than 45 different conspiracies (each its own series of antitrust cases) and more than 160 different defendants, most of which are foreign companies. It has been described as the largest, most complex, antitrust litigation in U.S. history. The *Automotive Parts* litigation continues today and has resulted in well over \$1.6 billion in indirect purchaser settlements. Under the leadership of myself, Mr. Cuneo, and our Co-Lead counsel Don Barrett, the intermediate indirect purchaser automobile dealership plaintiffs have at present recovered well over \$300 million in settlements.

10. Before *Automotive Parts*, there were few, if any, successful antitrust actions brought for intermediate level indirect purchasers like the Commercial and Institutional Indirect Purchasers ("CIIP"). Mr. Cuneo and I have subsequently led other intermediate level indirect purchaser actions like *In re Vehicle Carrier Services Antitrust Litig.*, MDL No. 2471 (Co-Lead counsel representing a putative class of thousands of automobile dealers bringing indirect purchaser actions against various vehicle shipping companies). I also work closely with Jonathan Cuneo representing intermediate indirect purchaser pharmacies in *In re Generic*

*Pharmaceuticals Pricing Antitrust Litig.*, MDL No. 2724 (E.D. Pa.) a matter in which Mr. Cuneo is the sole lead counsel for the pharmacies. I have also been involved in other antitrust matters including *Insulate SB, Inc. v. Abrasive Products & Equipment et al.*, No. 13-cv-02664 ADM/SER( D. Minn.) (antitrust hub and spoke claims).

11. I also work closely with Mr. Cuneo in his role as the sole court-appointed lead counsel for commercial food preparers in *In re Packaged Seafood Products Antitrust Litig.*, Case No. 3:15-md-02670-JLS-MDD (S.D. Cal.) In that MDL, the plaintiffs allege a price-fixing conspiracy between the leading packaged tuna manufacturers—Chicken of the Sea, StarKist, and Bumble Bee, and their parent companies. Like the present cases, the *Packaged Seafood Products* litigation involves claims and defenses unique to the putative class of CIIPs. Many of the members of the putative commercial food preparer’s class in *Packaged Seafood Products* will also be members of the putative CIIP class in this litigation. As a result, Mr. Cuneo and I have been litigating many of the same issues, for many of the same CIIPs, for three years.

12. Before filing the *Sandee’s* case in this litigation, my firm invested significant time and resources into this litigation, including investigating and the complaint in the CIIP Action, investigating the nature of the alleged conspiracy and its effect on CIIPs, and coordinating strategy with counsel for other CIIPs. We did so as the first group of CIIP plaintiffs in this litigation and devoted significant time and resources, spending hundreds of hours to research and assess the viability of CIIP claims in this litigation.

13. Based on our experience leading litigation involving intermediate indirect purchasers in antitrust actions, our firm has worked with economists who specialize in analyzing and quantifying the damage that intermediate indirect purchasers sustain in

antitrust conspiracies. Our CIIP group of firms has already engaged such experts for this litigation and has also engaged a highly qualified expert with a specialty in agricultural antitrust issues.

14. Mr. Cuneo and I have implemented billing and expense guidelines for the law firms working on the first-filed CIIP case in this litigation and have coordinated the activities of those firms. We have carefully monitored and assigned work to avoid unnecessary duplication of effort and have also established a litigation fund to pay for the costs incurred to advance the CIIPs' claims.

15. I have spoken with counsel representing the plaintiffs in the second CIIP case. I expressed our desire to work cooperatively with counsel for the later-filed CIIP case. Counsel for the plaintiffs in the other CIIP case indicated that they did not oppose this application and did not intend to seek appointment under Rule 23(g). Mr. Cuneo and I believe that a two-person co-lead structure is optimal and would best serve the interests of the putative class members. We expect that all counsel representing CIIPs will be able to work cooperatively and efficiently to litigate these cases.

16. Larson King has recovered approximately \$3 billion for its clients. This reflects money actually paid to the clients, not settlement funds made available to claimants. The firm has also tried class action lawsuits to verdict and tries numerous non-class action cases to jury verdicts each year.

17. In addition to the representation of consumers appearing as plaintiffs, our firm also represents businesses including Fortune 100 and Fortune 500 companies. We are often hired to provide advice and representation in mass torts, class actions, and complex

civil matters. We also regularly represent businesses that bring claims as plaintiffs. A substantial part of our practice is devoted to leading and coordinating litigation in different venues and trying complex cases across the country.

18. With 33 attorneys and numerous paraprofessionals, our firm has the resources necessary to serve as one of the firms leading the litigation for the CIIPs. We have the ability to dedicate significant staffing to this litigation and will invest the out-of-pocket expenses necessary to properly advance the claims of the CIIPs.

19. Larson · King attorney Kelly Lelo will also work on this litigation. Ms. Lelo graduated *cum laude* from William Mitchell College of Law in 2003 after completing her undergraduate studies at Gustavus Adolphus College. She has practiced her entire career at Larson · King and focuses her practice on representing plaintiffs in complex and class litigation cases. She has been named a “Rising Star” in the class action practice area by Minnesota Lawyer since 2010 and has worked on numerous MDL and class action matters, including antitrust actions. Ms. Lelo is a member of the Diversity Committee of the Minnesota Federal Bar Association, is the Programming Committee Co-Chair of the Minnesota Women Lawyers Association, and is a member of the National Association of Women Lawyers.

20. Larson · King attorney Sanaa Assa holds an LL.B. degree in Dutch Law, an LL.B. degree in International and European Law, and an LL.M. degree in International Law and European Public Law from Tilburg University in the Netherlands. She graduated from the University of Minnesota Law School with a J.D. in 2017 and is fluent in English, Dutch, and Moroccan Berber.



I affirm under penalty of perjury that the foregoing is true to the best of my knowledge.

Dated: September 28, 2018

/s/ *Shawn M. Raiter*

Shawn M. Raiter  
Larson King, LLP